

*** EFILED ***

Case Number: D 16 CI 11 0000065

Transaction ID: 0000257308

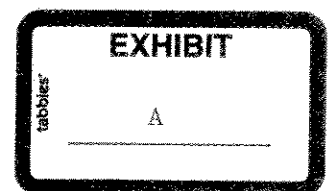
Filing Time: 04/26/2011 11:22:11

IN THE DISTRICT COURT OF SEWARD COUNTY, NEBRASKA

WERNER ENTERPRISES, INC.)	DOC. _____	NO. _____
)		
Plaintiff,)		
)		
vs.)	COMPLAINT	
)		
WESTERN EXPRESS, INC., A)		
Tennessee Corporation, and)		
RICHARD NEIGHBORS,)		
)		
Defendants.)		

COME NOWS the Plaintiff, Werner Enterprises, Inc., by and through its attorney, Joel M. Carney, and for its cause of action against the Defendants, Western Express, Inc. and Richard Neighbors, state and allege as follows:

1. That the Plaintiff, Werner Enterprises, Inc. ("Werner"), is a Nebraska corporation doing business in the State of Nebraska.
2. The Defendant, Western Express, Inc., ("Western Express"), at all times material hereto, is a Tennessee corporation with a principal place of business located at 7135 Centennial Plaza, Nashville, Tennessee and at all times material hereto was the owner of a vehicle as hereinafter alleged.
3. The Defendant, Richard Neighbors ("Neighbors"), upon information and belief and at all times material hereto, is an adult who was the operator of a motor vehicle as hereinafter alleged.
4. At all times material herein, Plaintiff Werner was the owner of a 2009 Freightliner tractor trailer that was being operator by agent, Steven Riley, at the time of the accident.



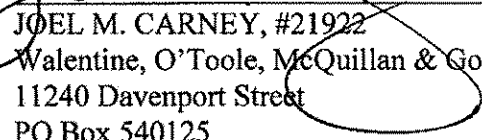
5. At all times material herein, Defendant Western Express was the owner of a tractor that was being operated by agent, Defendant Neighbors, for and on their behalf at the time of the accident.
6. That on or about February 14, 2010, on Interstate 80 at or around mile marker 396 in Seward County, Nebraska, Defendant Neighbors, while operating Western Express' vehicle for and on their behalf, struck the rear of Plaintiff Werner's vehicle while proceeding westbound on Interstate 80 directly behind Plaintiff Werner's vehicle.
7. That the sole and proximate cause of the accident and the resulting damages was the negligence of Western Express' agent, Defendant Neighbors, in the following particulars:
 - a. failure to keep Western Express' vehicle under proper control;
 - b. failure to keep a proper lookout; and
 - c. operating Western Express' vehicle at a speed too fast for the conditions then and there existing.
8. That as a direct and proximate result of the Defendants' negligence, Plaintiff has suffered damages in the amount of \$144,740.64.
9. That demand has been made by Plaintiff upon Defendants for reimbursement and payment of said damages, but Defendants have failed and refuse to pay the same.

WHEREFORE Plaintiff prays for judgment against the Defendants in the sum of \$144,740.64 plus taxable costs incurred herein and any other relief that the Court may deem appropriate.

Dated this 26th day of April, 2011.

WERNER ENTERPRISES, INC.,
Plaintiff,

BY:



JOEL M. CARNEY, #21922
Valentine, O'Toole, McQuillan & Gordon
11240 Davenport Street
PO Box 540125
Omaha, NE 68154
Telephone: (402) 330-6300
Attorney for Plaintiff

**This firm is a debt collector. This is an attempt to collect a debt
and any information obtained will be used for that purpose.**

IN THE DISTRICT COURT OF SEWARD COUNTY, NEBRASKA

WERNER ENTERPRISES, INC.)	DOC. _____	NO. _____
)		
Plaintiff,)		
)		
vs.)	PRAECIPE	
)		
WESTERN EXPRESS, INC., A)		
Tennessee Corporation, and)		
RICHARD NEIGHBORS,)		
)		
Defendants.)		

TO THE CLERK OF SAID COURT:

Please issue summons in the above-entitled matter and deliver the same, together with one copy of the Complaint, to counsel for the Plaintiff for service upon the Defendants via Certified Mail, Return Receipt Requested at the following addresses:

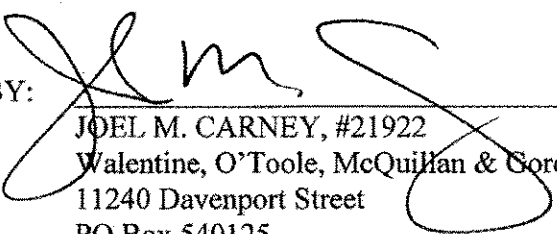
Western Express, Inc.
c/o Isham B. Bradley
7135 Centennial Plaza
Nashville, TN 37209

Richard Neighbors
120 Isacc Street
Wardensville Hardy, WV 26851

Dated this 25th day of April, 2011.

WERNER ENTERPRISES, INC.,
Plaintiff,

BY:



JOEL M. CARNEY, #21922
Valentine, O'Toole, McQuillian & Gordon
11240 Davenport Street
PO Box 540125
Omaha, NE 68154
Telephone: (402) 330-6300
Attorney for Plaintiffs

MODE OF SERVICE:

Certified Mail – Return Receipt Requested

Image ID:

SUMMONS

Doc. No. 6883

IN THE DISTRICT COURT OF Seward COUNTY, NEBRASKA
Seward County Courthouse
P.O. Box 36
Seward NE 68434

Werner Enterprises, Inc. v. Western Express, Inc. et al

Case ID: CI 11 65

TO: Western Express, Inc.

You have been sued by the following plaintiff(s):

Werner Enterprises, Inc.

ORIGINAL

Plaintiff's Attorney: Joel Carney
Address: 11240 Davenport Street
P.O. Box 540125
Omaha, NE 68154
Telephone: (402) 330-6300

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: APRIL 27, 2011

BY THE COURT:

Jacquelyn Stewart
Clerk



PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Western Express, Inc.
C/O Isham B. Bradley, 7135 Centennial Plaza
Nashville, TN 37209

Method of service: Certified Mail

You are directed to make such service within twenty days after date of issue, and show proof of service as provided by law.



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Image ID:

SUMMONS

Doc. No. 6884

IN THE DISTRICT COURT OF Seward COUNTY, NEBRASKA
Seward County Courthouse
P.O. Box 36
Seward NE 68434

Werner Enterprises, Inc. v. Western Express, Inc. et al

Case ID: CI 11 65

TO: Richard Neighbors

ORIGINAL

You have been sued by the following plaintiff(s):

Werner Enterprises, Inc.

Plaintiff's Attorney: Joel Carney
Address: 11240 Davenport Street
P.O. Box 540125
Omaha, NE 68154
Telephone: (402) 330-6300

A copy of the complaint/petition is attached. To defend this lawsuit, an appropriate response must be served on the parties and filed with the office of the clerk of the court within 30 days of service of the complaint/petition. If you fail to respond, the court may enter judgment for the relief demanded in the complaint/petition.

Date: APRIL 27, 2011

BY THE COURT:

Jacquelyn Stewart
Clerk

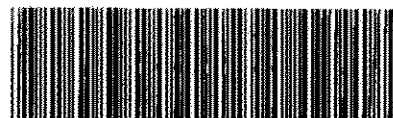


PLAINTIFF'S DIRECTIONS FOR SERVICE OF SUMMONS AND A COPY OF THE COMPLAINT/PETITION ON:

Richard Neighbors
120 Isacc Street
Wardensville Hardy, WV 26851

Method of service: Certified Mail

You are directed to make such service within twenty days after date of issue, and show proof of service as provided by law.



000026283D16